

**SEC. 5. MULTIDISTRICT LITIGATION FOR CERTAIN CIVIL ACTIONS.**

(a) IN GENERAL.—Chapter 303 of title 46, United States Code, is amended—

(1) by redesignating section 30308 as section 30309; and

(2) by inserting after section 30307 the following:

**“§ 30308. Multidistrict litigation for certain civil actions**

“(a) IN GENERAL.—A plaintiff in a covered civil action brought under chapter 301 or this chapter may elect to have the claims of that plaintiff—

“(1) severed from all other claims in the covered civil action; and

“(2) not be subject to section 1407 of title 28 or any similar provision of State law.

“(b) COVERED CIVIL ACTION DEFINED.—In this section, the term ‘covered civil action’ means a civil action for damages for personal injury or wrongful death arising from the blowout and explosion of the mobile offshore drilling unit *Deepwater Horizon* that occurred on April 20, 2010.”.

(b) CONFORMING AMENDMENT.—The table of contents for chapter 303 of title 46, United States Code, is amended by striking the item relating to section 30308 and inserting the following:

“30308. Multidistrict litigation for certain civil actions.

“30309. Nonapplication.”.

**SEC. 6. EFFECTIVE DATE.**

The amendments made by this Act shall apply to—

(1) causes of action and claims arising after April 19, 2010; and

(2) actions commenced before the date of enactment of this Act that have not been finally adjudicated, including appellate review, as of that date.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent to engage the chairman in a brief colloquy regarding this legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WHITEHOUSE. I thank him for his leadership, for his compassion. I was proud to join him as a cosponsor of his legislation. It is disturbing to me that his effort to speak for these families who have lost their loved ones has fallen on deaf ears and on a procedural objection that could just as easily have not stood. As we stand here in this empty room, where right now we could be voting on help for these 11 families, instead, we are milling about, killing time and waiting for something to happen.

I want to ask the chairman: If this oil rig that exploded and burned had been on land and these same 11 workers had been killed, would they be treated differently and far more generously, and would their families be treated differently and far more generously than in this actual case just because it happened to be out in the ocean as a deep-water drilling rig?

Mr. LEAHY. Madam President, the Senator is absolutely correct. When we held these hearings, he was an indispensable part. This is an inexplicable anomaly of the law that reflects a different era. Had they been assembling, for example, this oil rig, had they had it on land and it exploded, they would

be able to recover as anybody could. If it was an onshore oil rig—of course, we have many in this country and throughout the world—if they had been working on that and there had been an explosion and they lost their lives, there would have been remedies available. But because it was at sea and even if it is just barely at sea, the remedies are entirely different. To put it in laymen's terms, they are basically limited to the value of what is left. Of course, there is nothing left.

Mr. WHITEHOUSE. Under the circumstances of this case, I know the objection was founded upon concern that this would defeat the expectations of potential defendants who might otherwise have to pay this verdict. As I understand it, the two most likely responsible parties—indeed, the one already decreed by the government for pollution purposes to be the responsible party—are BP and Halliburton, two enormous multinational corporations. If I am not mistaken, what we have done today is to send 11 American families, whose father, brother, or husband was lost through no fault of that individual from a tragic accident that has been described as being the result of real ineptitude and very poor safety practices out on that rig by big corporations, we are now taking the side of BP and Halliburton against those 11 families here on the eve of the Christmas holidays, taking away rights they would have if this accident had happened on the land.

My question is, don't we think that BP and Halliburton could afford this? It is not as though it is the little Sisters of Mercy whom we are going to put out of business if we allow this to go forward.

Mr. LEAHY. The Senator is correct. Basically what the Senate has said is, we will protect British Petroleum and Halliburton over the rights and needs of the families of 11 men who died because of negligence. Is this what the Senate has come to? Is this what it has come to? By our failure to even vote, our unwillingness to stand up and vote, our effort to do a maybe instead of a yes or no, we are sending a Christmas present. I suppose we should say Merry Christmas, British Petroleum, Merry Christmas, Halliburton. We protected you and saved you from having to pay for your negligence. That is a pretty cold signal to send to these families of the 11 men who died.

Frankly, as I have often said, the Senate should be the conscience of the Nation. How do we express our conscience when we don't even have the courage to vote yes or no on a matter of this significance?

Mr. WHITEHOUSE. I thank the chairman for his leadership and for his compassion. I am proud to join him today in this effort.

I yield the floor.

**MORNING BUSINESS**

Mr. WHITEHOUSE. I ask unanimous consent that the Senate proceed to a

period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Colorado.

**DEFENSE AUTHORIZATION**

Mr. UDALL of Colorado. Madam President, we have again witnessed gridlock at its worst on the heels of the vote that just concluded. When the Senate was given a chance to lead on critical issues crucial to our national security, to our troops and to our leadership in the 21st century, the Senate let politics obstruct progress that we should make.

This is the second time this year we have prevented ourselves, if you will, from debating critical national security issues. Like so many other debates that we wanted to have this year, this one was derailed by obstruction before it even began.

The last time the minority party blocked debate of a national defense authorization act, they argued that the DREAM Act should not be considered as an amendment to the bill and that we needed to wait on the report of the Pentagon study group on how to repeal don't ask, don't tell before we can vote on the broader bill.

This time we did consider the DREAM Act in a separate vote and this time, after voting today, we voted after the Pentagon's task force on don't ask, don't tell has weighed in with the most comprehensive review of a personnel policy that DOD has ever conducted on any policy being proposed. But the obstruction continues. There are new excuses this time. Opponents now say we need to extend tax breaks before we can consider legislation necessary to ensure our national security. It doesn't seem to matter to those who voted no today that the Pentagon study group looking at repeal confirmed what many of us have been saying for years, that don't ask, don't tell can be overturned without disrupting our Nation's military readiness. It doesn't seem to matter to these opponents that Secretary Gates, Admiral Mullen, and a host of other military and civilian leaders believe that repeal by a Federal judge would be far more disruptive and damaging to readiness and morale than repeal through legislation that has been thoughtfully and comprehensively drafted by the Congress. This wide-ranging and highly respected group of military and civilian leaders has strongly urged us, the Senate, to act on this Defense authorization bill this month.

Unlike what some on the other side of the aisle have claimed, the repeal language in this legislation respects the Pentagon's timeline and it gives our military leaders the flexibility they say they need to implement repeal in a way that tracks with military standards and guidelines. The best way to change the policy is for elected representatives—that is us—to pass the

legislation before us now and to do it this year.

But the vote we just had means we will have no debate on don't ask, don't tell. And just as importantly—and I know the Presiding Officer serves on the Foreign Relations Committee—it thwarts a serious discussion about pressing national security issues. Imagine that. We are prevented from debating fundamental national security concerns at a time of two wars. People in my State of Colorado do not understand such obstruction, and I do not think Americans all across the country do.

This is further illuminated because every year for nearly a half century, Congress has taken up and passed a bill renewing our defense policies for the Nation for the coming year. That is 48 years consecutively. And this Defense authorization bill, like all those that came before it, is as critically important as the 48 that have preceded it. It provides funding for our military operations in Afghanistan and Pakistan and Iraq. It supports our servicemembers and keeps Americans safe through needed resources and policies, including fair and competitive pay and benefits for our men and women in uniform.

The bill also includes many important provisions directed at the health and needs of our servicemembers' families. Specifically, if I might, I want to mention a provision I authored with help from other of my colleagues which would extend health insurance for military families, enabling children of active-duty servicemembers and retirees to stay on their parents' policies until they turn age 26. It is similar to what we did in the Affordable Care Act last year and this year more broadly for Americans.

Also importantly, this legislation provides improved care for our wounded servicemembers and their families—not just the physical wounds of war but also the mental wounds of war.

As I conclude, I have to tell you I remain hopeful that somehow this Congress can find a way, even in the midst of this partisan rancor, to pass this Defense authorization bill for the 49th consecutive year. I am willing to stay until Christmas, even through Christmas, and the week after, to get this done.

I will tell you, if we cannot get don't ask, don't tell repeal as part of the Defense authorization bill, I am willing to stay through the holidays to debate it on the floor as a stand-alone measure, and I will urge my colleagues to join me in that debate.

So despite the vote today, I have to say I am optimistic about our future, and I am committed, as I know the Presiding Officer is, to a new kind of politics where we can find consensus among our disagreement. I know the people of our States and Americans at large want us to tackle tough decisions. It is why they sent us here: to resolve the tough problems. But I think opportunities that are inherent in

those problems led us to want to serve in the Nation's capital.

Let's reach out to each other. Let's find common ground. Let's call on each other to work together to accomplish our shared priorities and demonstrate support for our Armed Forces. After all, they are standing up for us. We can stand up for them. Americans sent us here to do no less.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. HARKIN. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TRIBUTE TO RETIRING SENATORS

CHRIS DODD

Mr. HARKIN. Madam President, in these closing weeks of the 111th Congress, the Senate will be saying goodbye to a number of retiring colleagues. But, for my part, I will miss them all, but I have to be honest, the most poignant farewell will be to my dear friend, Senator CHRIS DODD of Connecticut.

CHRIS and I have much in common. We are both proud of our Irish roots. We were both elected to the House of Representatives at the same time, in the famous post-Watergate election of 1974. CHRIS moved over here to the Senate in 1980, and I followed 4 years later. We both ran for President—with similarly unambiguous results. Over the years, we have collaborated on many legislative initiatives, including, most recently, the historic Patient Protection and Affordable Care Act—the health reform bill.

As we all know, CHRIS DODD is almost literally a son of the Senate. With good reason, he is enormously proud of his father, Thomas J. Dodd, who was a lead prosecutor at the Nuremberg trials and served two terms in the Senate, from 1959 to 1971. CHRIS worked as a Senate page at age 16, and was elected to the Senate at age 36. For three decades, CHRIS has embodied everything that is good about this body: a passion for public service, a sincere desire to reach out across the aisle, a great talent for forging coalitions and bringing people together, and a willingness to work extraordinarily long hours in order to accomplish big and important things.

Over the decades, Senator DODD has been a leading champion of working Americans, fighting for safer workplaces, the right to organize, stronger public schools, better access to higher education, and, of course, quality health care as a right not a privilege. He was the author of 1993 Family and Medical Leave Act, which for the first time entitled every American to have leave from their job to take care of children or elderly relatives.

Make no mistake, Senator DODD is leaving the Senate at the very top of

his game. Last year, when Senator Kennedy fell ill, CHRIS picked up the torch of health care reform. When I became chair of the Health, Education, and Labor Committee, I asked him to continue to take the lead in forging the final bill, which he had led so expertly on before, and which will go down in history as one of America's great progressive accomplishments, on a par with Social Security and Medicare.

Even before final passage of health reform, Senator DODD, as chair of the Banking Committee, was hard at work crafting yet another historic bill: the most sweeping reform of Wall Street and the banking industry since the Great Depression.

To be sure, other Senators played important roles in passing health reform and Wall Street reform. But it was Senator DODD's dogged work and virtuosic skills as a legislator that ultimately won the day. These two landmark laws are a tremendous living legacy to the senior Senator from Connecticut. He has made his mark as one of the great reformers in the history of the U.S. Senate.

CHRIS DODD has accomplished many things during his three decades in this body. But, in my book, the highest accolade is simply that CHRIS DODD is a good, generous and decent person, with a passion for fairness and social justice.

For me, it has been a great honor to be his friend and colleague for the last 36 years. Our friendship, of course, will continue. But I will miss the day-to-day association with CHRIS here on the floor, in committee, and elsewhere here on the Hill.

Paul Wellstone used to say that "the future belongs to those with passion." By that definition, our friend CHRIS DODD has a wonderful future ahead of him. No question he is full of passion, passion for doing what is right for the people of this country. But no question, the Senate is losing a giant—one of our most accomplished and respected members. We are also losing a happy warrior in the mold of FDR and Hubert Humphrey. As the columnist E.J. Dionne has written, "The happiness quotient in the Senate will definitely drop when [Senator] Dodd leaves." I couldn't agree more.

For 36 years in Congress, CHRIS DODD has faithfully served the people of Connecticut and the people of the United States. And there is no doubt that he will pursue new avenues of public service in retirement.

As I said, I will miss his friendship and counsel here in the Senate. But I wish CHRIS, his wonderful wife Jackie, and their wonderful young children, Grace and Christina, the very best in the years ahead.

TED KAUFMAN

Madam President, when our colleague Ted Kaufman, who is leaving, was sworn in as Senator in January 2009 to succeed the newly elected Vice President, Senator JOE BIDEN, he made it clear that he would not run for election in 2010. He noted that he had not